

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JAMES H. ARMSTRONG, M.D.**

5 Holder of License No. 24923
6 For the Practice of Medicine
In the State of Arizona.

Case No. MD-08-0074A
MD-08-0387A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and James H. Armstrong, M.D. ("Respondent"), the parties agreed to the
10 following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

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1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.


14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

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JAMES H. ARMSTRONG, M.D.

Dated: 25 July 2008

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 24923 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case numbers MD-08-0074A and MD-08-0387A after Respondent contacted the Board Staff on January 26, 2008 and reported that he had violated professional boundaries with patients while employed at a family practice. Respondent stated that he would enroll in treatment on January 28, 2008.

4. On January 31, 2008, Respondent's treating psychologist provided Board Staff with a letter stating that Respondent had recently experienced some delusional thinking, that he reported blackouts and that he did not know where he was for periods of time. Additionally, Respondent told the psychologist that he violated boundaries of a female patient in 2005 and exposed himself to a sixteen year old male patient approximately five years ago. Respondent also reported several patient complaints regarding his boundary issues. On March 13, 2008, Respondent was discharged from treatment with a diagnosis of Sexual Disorder, not otherwise specified (NOS).

5. On March 13, 2008, Respondent began treatment at another facility and was discharged on April 24, 2008 with a diagnosis of Sexual Abuse of adult patients, Sexual Disorder NOS, Sexual Addiction, Bipolar Disorder and Personality Disorder. The treatment facility recommended that Respondent attend four meetings a week with Sexalcoholics Anonymous and contact a sponsor. The treatment facility also recommended that Respondent should not practice medicine, that he should submit to a re-evaluation in six months and that he should not consume alcohol or other addictive substances.

6. On February 3, 2008, Respondent signed an Interim Consent Agreement for Practice Restriction ("Practice Restriction") prohibiting him from practicing clinical medicine or any medicine involving direct patient care, and prohibiting from prescribing any form of treatment including prescription medications, until he applies to the board and receives permission to do so. Respondent remains under the Practice Restriction.

7. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(z) ("[e]ngaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with licensee, for purposes of this subdivision, "Sexual Conduct" includes: (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual. (ii) Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature. (iii) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.").

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

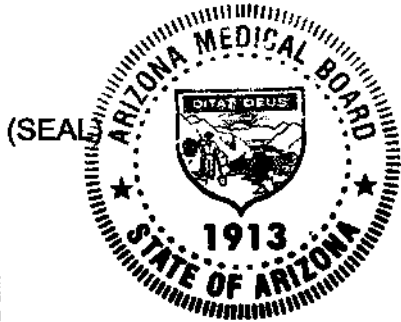
2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT License Number 24923, issued to James H. Armstrong, M.D. for the practice of allopathic medicine in the State of Arizona, is

1 surrendered and that James H. Armstrong, M.D. immediately returns his wallet card and
2 certificate of licensure to the Board.

3 DATED and effective this 8th day of August, 2008.



ARIZONA MEDICAL BOARD

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10 By:

Lisa S. Wynn
Executive Director

11 ORIGINAL of the foregoing filed
12 this 8th day of August, 2008 with:

13 Arizona Medical Board
14 9545 E. Doubletree Ranch Road
15 Scottsdale, AZ 85258

16 EXECUTED COPY of the foregoing mailed
17 this 8th day of August, 2008 to:

18 Paul Giancola
19 Snell & Wilmer
20 400 East Van Buren Street
21 Phoenix, Arizona 85004-2202

22 EXECUTED COPY of the foregoing mailed
23 this 8th day of August, 2008 to:

24 James H. Armstrong, M.D.
25 Address of Record

[Signature]
Investigational Review